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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,204	02/26/2002	Yuki Yamamoto	1619.1018	5091
21171 7590 05/18/2007 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER DOAN, DUYEN MY	
			ART UNIT 2152	PAPER NUMBER
			MAIL DATE 05/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/082,204

Applicant(s)

YAMAMOTO, YUKI

Examiner

Duyen M. Doan

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-19 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-19 and 21-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to the submission filed on 2/1/2007. Claims 1-6,8-19,21-26 are amended for examination. Claims 7,20 are cancelled.

Response to Arguments

Applicant's arguments with respect to claims 1-6, 8-19, 21-26 has been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4,13,14-17 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1,13,14 cited "with the current location of the terminal attached by said terminal, from said terminal", it is unclear to the examiner, what is the applicant means by "attached by said terminal, from said terminal" further clarification is appreciated.

For the purpose of examination, examiner interprets the above limitation as follow "with the current location of the terminal attached by said terminal".

The dependent claims being depended on the independent claims 1,13,14 are rejected for the same rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4,13-17,26 rejected under 35 U.S.C. 103(a) as being unpatentable over Takakura et al (us 2002/0007396) (hereinafter Takakura) in view of Friedman (us 2002/0119789).

As regarding claim 1, Takakura discloses managing access to area chat rooms each associated with a specific location (see Takakura pg.2-3, par 21, 37-40, 49-50; pg.4, par 56-59, 64-66; pg.6-7, par 88, 94-97, pg.8, par 115, 118); accepting an entrance request, with a current location of the terminal or a user-specified location attached, from said terminal for permission to enter one of said area chat rooms, and allowing entrance into any appropriate area chat room whose area includes said current

location or specified location (see Takakura pg.2-3, par 21, 37-40, 49-50; pg.4, par 56-59, 64-66; pg.6-7, par 88, 94-97, pg.8, par 115, 118); accepting a remark request from said terminal for permission to make a remark, and delivering the remark, in form of text data, to the terminals of the other participants of said area chat room (see pg.2-3, par 0038, character chat with dialog are also possible); and accepting location update information from said terminal (see Takakura pg.2-3, par 21, 37-40, 49-50; pg.4, par 56-59, 64-66; pg.6-7, par 88, 94-97, pg.8, par 115, 118).

Takakura does not expressly disclose the remark with current location of the terminal attached by said terminal, deliver the remark to other participants with location attached and delivering said location update information to the terminals of the other participants instant messaging.

Friedman teaches the remark with current location of the terminal attached by said terminal (see Friedman pg.7, par 0073, a user configure his device to transmit position data whenever send a message to other users in an instant messaging system) deliver the remark to other participants with location attached (see Friedman pg.7, par 0074, 0077, transmit the position data of user a to other users b and c) and delivering said location update information to the terminals of the other participants instant messaging (see Friedman pg.7-8, par 0078, whenever the user move from one location to the next, transmit the updated positional information to all other devices).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Friedman to the method of Takakura to attached the location with the message and deliver that information to the other

participants because both Takakura and Friedman discloses inventions related to instant messaging system and by having the positional data attached with the message, instead of transmit the position data and the message separately would reduce the transmission bandwidth and reducing congestion in the network.

As regarding claim 2, Takakura-Friedman discloses accepting any inquiry about the current location of another participant in the area chat room from said terminal, acquiring the current location from the terminal of said other participant if the terminal of said other participant permits sending a reply, and sending the current location of said other participant in return (see Friedman pg.7-8,par 0073-0078). The same motivation was utilized in claim 1 applied equally well to claim 2.

As regarding claim 3, Takakura-Friedman discloses creating an area chat room by specifying a range based on the current location of said terminal or a user-specified location if a request to create an area chat room is received from said terminal (see Takakura pg.2-3, par 21, 37-40, 49-50; pg.4, par 56-59, 64-66; pg.6-7, par 88, 94-97, pg.8, par 115, 118, generating plurality of chat room, the chat room of the user is change according to the current location of user, therefore the user can always participate in the chat room corresponding to the current location of the self).

As regarding claim 4, Takakura-Friedman discloses registering and managing information about any subscriber who wants to be notified if an area chat room whose

area includes the current location of the terminal or a user-specified location is created (see Friedman pg.7-8,par 0073-0078); and notifying said subscriber's terminal about creation of any area chat room which agrees with the information about said subscriber (see Takakura pg.2-3, par 21, 37-40, 49-50; pg.4, par 56-59, 64-66; pg.6-7, par 88, 94-97, pg.8, par 115, 118). The same motivation was utilized in claim 1 applied equally well to claim 4.

As regarding claim 13, the limitations of claim 13 are similar to the limitations of rejected claim 1 above, therefore rejected for the same rationale.

As regarding claims 14-17, the limitations of claims 14-17 are similar to the limitations of rejected claims 1-4 above, therefore rejected for the same rationales.

As regarding claim 26, the limitations of claim 26 are similar to the limitations of rejected claim 1 above, therefore rejected for the same rationale.

Claims 5-6,8-12,18-19,21-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Takakura et al (us 2002/0007396) (hereinafter Takakura) in view of Friedman (us 2002/0119789) and further in view of what was well known in the art.

As regarding claim 5, Takakura discloses sending a server of said system an entrance request with the current location of the terminal or a user-specified location attached, requesting for permission to enter an area chat room provided by said system and associated with a specific location (see Takakura pg.2-3, par 21, 37-40, 49-50; pg.4, par 56-59, 64-66; pg.6-7, par 88, 94-97, pg.8, par 115, 118), when the user is in said area chat room (see Takakura pg.2-3, par 21, 37-40, 49-50); receiving the current locations and remarks, in form of text data, of all the participants as well as map data corresponding to the range of said area chat room from said system (see Takakura pg.2-3, par 21, 37-40, 49-50), including charted locations of the all participants (see Takakura figure 4).

Takakura does not explicitly disclose sending the server of said system a remark request, with the current location of said terminal attached by said terminal; displaying said map data and remarks of the participants on a display screen of said terminal; informing the server of said system about the current location of said terminal at designated intervals or on designated occasions; using shape or color to represent the participants in the instant messaging system.

Friedman discloses sending the server of said system a remark request, with the current location of said terminal attached by said terminal (see Friedman pg.7, par 0073, a user configure his device to transmit position data whenever send a message to other users in an instant messaging system); displaying said map data (see Friedman figure 11, the buddies list includes specific positional data) and remarks of the participants on a display screen of said terminal (see Friedman figure 11, pg.7, par

0076-0077, display the message to other participant); informing the server of said system about the current location of said terminal at designated intervals or on designated occasions (see Friedman pg.7-8 par 0078, the positional data transmit to the server periodically).

The motivation was utilized in claim 1 applied equally well to claim 5.

The combination of Takakura and Friedman does not disclose using shape or color to represent the participants in the instant messaging system.

Official Notice is taken (see MPEP 2144.03) the concept of using shape or color to represent the participants in the instant messaging system is well known in the art. For example, in the same instant messaging field, Harada et al (us pat 6,434,604) discloses using different shapes and colors to represent different participant in the instant messaging system.

It would have been obvious to one of ordinary skill in the art to include the concept of using shape or color to represent the participants with Takakura-Friedman for the purpose of easily distinguished participants from each other (see Harada pg.2, lines 16-25).

As regarding claim 6, Takakura-Friedman-What was well known in the art discloses entrance request contains direction whether or not the current location attached to said entrance request is to be shown to other participants (see Friedman pg.7, par 0073-0074, specified what type of positional data will other participants will received). The same motivation was utilized in claim 1 applied equally well to claim 6.

As regarding claims 8-9, Takakura-Friedman-What was well known in the art discloses wherein the charted location of the local terminal is indicated by a shape, color, or method different from those for the other participants when charting the locations of the participants who are in said area chat room (see Harada figure 7, figure 8). The same motivation was utilized in claim 5 applied equally well to claims 8-9.

As regarding claim 10, Takakura-Friedman-What was well known in the art discloses after accepting a remark location search request, calculating the distance between the location at the time of said remark and the current location of the terminal and displaying it on the display of said terminal (see Friedman pg.7, par 0076, specified how far the user is from the creator of buddy list). The same motivation was utilized in claim 1 applied equally well to claim 10.

As regarding claim 11, Takakura-Friedman-What was well known in the art discloses sending said system a room creation request to create an area chat room with its range specified based on the current location of said terminal or a user specified location (see Takakura pg.2-3, par 21, 37-40, 49-50; pg.4, par 56-59, 64-66; pg.6-7, par 88, 94-97, pg.8, par 115, 118).

As regarding claim 12, Takakura-Friedman-What was well known in the art discloses wherein said room creation request contains information to limit the

participants who are allowed in the area chat room created (see Takakura pg.8, par 115, 118-120).

As regarding claims 18-19,21-25, limitations of claims 18-19,21-25 are similar to limitations of rejected claims 5-6,8-12, therefore rejected for the same rationales.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

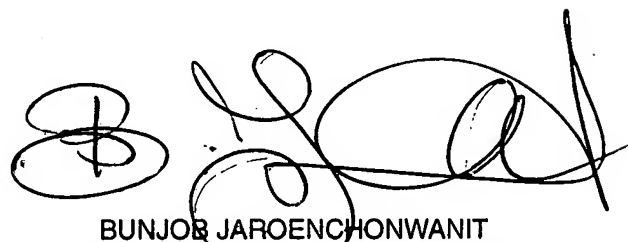
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M. Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner
Duyen Doan
Art unit 2152



BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER